

GREGORY G. KATSAS
Assistant Attorney General

JOHN TYLER
Assistant Director, Federal Programs Branch

MARCIA BERMAN (PA Bar No. 66168)
Trial Attorney, U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W., Room 7132
Washington, D.C. 20530
Telephone: (202) 514-2205
Facsimile: (202) 616-8470
Email: marcia.berman@usdoj.gov
Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

| | |
|------------------------------------|----------------------------------|
| _____ |) No. 08-2997 JSW |
| ELECTRONIC FRONTIER FOUNDATION, |) |
| Plaintiff, |) STIPULATION TO EXTEND |
| |) TIME TO FILE MOTION FOR |
| v. |) SUMMARY JUDGMENT |
| |) AND ORDER THEREON |
| OFFICE OF THE DIRECTOR OF NATIONAL |) |
| INTELLIGENCE and UNITED STATES |) |
| DEPARTMENT OF JUSTICE |) |
| Defendants, |) |
| _____ |) |

THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(b), 6-2, and 7-12, that the filing deadline for defendants to file their consolidated motion for summary judgment shall be reset from November 21, 2008, to December 8, 2008, and that the accompanying briefing schedule shall also be reset. In support of this stipulation, the parties state the following:

Stipulation to Extend Time to File Motion for Summary Judgment , C 08-2997 (JSW)

- 1 1. On October 8, 2008, this Court ordered, pursuant to stipulation, that the deadline
2 for defendants' consolidated motion for summary judgment for C 08-1023 (JSW)
3 and C 08-2997 (JSW) be set for November 21, 2008; the deadline for plaintiff to
4 file its opposition brief and cross-motion for summary judgment, if any, be set for
5 December 23, 2008; the deadline for defendants to file their opposition brief, if
6 any, and reply be set for January 16, 2009; the deadline for plaintiff to file its
7 reply, if any, be set for January 30, 2009; and the Hearing on Cross-Motions for
8 Summary Judgment be set for February 27, 2009 at 9:00 a.m.
- 9 2. The parties have agreed that in an effort to narrow the scope of disputed issues
10 before the Court, defendants will provide copies of multiple preliminary Vaughn
11 indices to plaintiff in advance of filing their consolidated motion for summary
12 judgment. Plaintiff will then inform defendants of the scope of their challenges
13 under the FOIA and defendants will brief those issues accordingly.
- 14 3. The parties have further agreed to extend the summary judgment briefing
15 schedule by two weeks to accommodate this procedure.
- 16 4. Because it will promote judicial efficiency and facilitate resolution of this
17 litigation for the parties to attempt to narrow the scope of disputed issues prior to
18 defendants' filing their consolidated motion for summary judgment, the parties
19 now stipulate for defendants to file their motion for summary judgment on
20 December 8, 2008; for plaintiff to file its opposition brief and cross-motion for
21 summary judgment, if any, by January 9, 2009; for defendants to file their
22 opposition brief, if any, and reply by January 30, 2009; for plaintiff to file its
23 reply, if any, by February 13, 2009; and for the Court to notice the hearing on the
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cross-motions for summary judgment for March 13, 2009, at 9:00 a.m., or for another date at the Court's convenience.

Dated: November 19, 2008

Respectfully submitted,

GREGORY G. KATSAS
Assistant Attorney General

JOHN TYLER
Assistant Director, Federal Programs Branch

/s/ Marcia Berman
MARCIA BERMAN (PA Bar No. 66168)
Trial Attorney, U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W., Room 7132
Washington, D.C. 20530
Telephone: (202) 514-2205
Facsimile: (202) 616-8470
E-mail: marcia.berman@usdoj.gov

Attorneys for Defendants

David L. Sobel (*pro hac vice*)
ELECTRONIC FRONTIER FOUNDATION
1875 Connecticut Ave. NW
Suite 650
Washington, DC 20009
Telephone: (202) 797-9009 x104
Facsimile: (202) 707-9066

/s/
Kurt Opsahl, Esq.
Marcia Hofmann, Esq.
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333
Facsimile: (415) 436-9993

Attorneys for Plaintiff

Stipulation to Extend Time to File Motion for Summary Judgment , C 08-2997 (JSW)

GENERAL ORDER NO. 45(X) CERTIFICATION

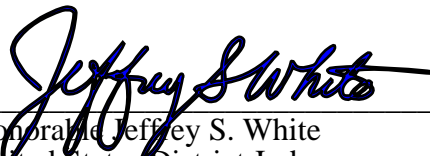
I attest that I have obtained Marcia Hoffman's concurrence in the filing of this document.

/s/ Marcia Berman

MARCIA BERMAN

PURSUANT TO STIPULATION, IT IS ORDERED that the deadline for defendants' consolidated motion for summary judgment for C 08-1023 (JSW) and C 08-2997 (JSW) be set for December 8, 2008; the deadline for plaintiff to file its opposition brief and cross-motion for summary judgment, if any, be set for January 9, 2009; the deadline for defendants to file their opposition brief, if any, and reply be set for January 30, 2009; and the deadline for plaintiff to file its reply, if any, be set for February 13, 2009. It is FURTHER ORDERED that the Hearing on Cross-Motions for Summary Judgment is set for March 13, 2009 at 9:00 a.m.

DATED: November 24, 2008



Honorable Jeffrey S. White
United States District Judge

Stipulation to Extend Time to File Motion for Summary Judgment , C 08-2997 (JSW)